

AN ACT

relating to the date and time for the public sale of real property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 34.041, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR; DATE AND TIME OF SALE.

SECTION 2. Section 34.041, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) A sale of real property under this subchapter must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on January 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month. Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this subsection.

SECTION 3. Sections 51.002, Property Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] sale of real property under a power of sale conferred by a deed of trust or other contract lien must be a public sale at auction held between 10 a.m. and 4 p.m. of the first Tuesday of a month. Except as provided by Subsection (h), the sale must take place at the county courthouse in the county in which the land is located, or if the property is

1 located in more than one county, the sale may be made at the  
2 courthouse in any county in which the property is located. The  
3 commissioners court shall designate the area at the courthouse  
4 where the sales are to take place and shall record the designation  
5 in the real property records of the county. The sale must occur in  
6 the designated area. If no area is designated by the commissioners  
7 court, the notice of sale must designate the area where the sale  
8 covered by that notice is to take place, and the sale must occur in  
9 that area.

10 (a-1) If the first Tuesday of a month occurs on January 1 or  
11 July 4, a public sale under Subsection (a) must be held between 10  
12 a.m. and 4 p.m. on the first Wednesday of the month.

13 SECTION 4. Section 34.01, Tax Code, is amended by adding  
14 Subsections (r-1) and (r-2) to read as follows:

15 (r-1) A sale of real property under this section, other than  
16 a sale conducted by means of a public auction using online bidding  
17 and sale under Subsection (a-1), must take place between 10 a.m. and  
18 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a  
19 month occurs on January 1 or July 4, between 10 a.m. and 4 p.m. on  
20 the first Wednesday of the month.

21 (r-2) A sale of real property conducted by means of a public  
22 auction using online bidding and sale under Subsection (a-1) may  
23 begin at any time and must conclude at 4 p.m. on the first Tuesday of  
24 a month or, if the first Tuesday of a month occurs on January 1 or  
25 July 4, at 4 p.m. on the first Wednesday of the month.

26 SECTION 5. Section 34.07(f), Tax Code, is amended to read as  
27 follows:

1           (f) A suit filed against the taxing units under Subsection  
2 (d) may not be maintained unless the action is instituted before the  
3 first anniversary of the date of sale or resale. In this subsection:

4           (1) "Date of sale" means the date [~~first Tuesday of the~~  
5 ~~month~~] on which the sheriff or constable conducted the sale of the  
6 property under Section 34.01.

7           (2) "Date of resale" means the date on which the  
8 grantor's acknowledgment was taken or, in the case of multiple  
9 grantors, the latest date of acknowledgment by the grantors as  
10 shown in the deed.

11           SECTION 6. The changes in law made by this Act apply only to  
12 the sale of real property under Subchapter C, Chapter 34, Civil  
13 Practice and Remedies Code, Section 51.002, Property Code, or  
14 Section 34.01, Tax Code, for which notice is given on or after the  
15 effective date of this Act.

16           SECTION 7. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1128 was passed by the House on April 13, 2017, by the following vote: Yeas 138, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1128 on May 19, 2017, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1128 was passed by the Senate, with amendments, on May 15, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor